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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

TRAN, THAI Q

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 10/22/2003

20

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/610,380

Applicant(s)

MOON ET AL.

Examiner

Thai Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2003 and 04 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4-10 and 15-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4-10 and 15-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 09/337,253.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>18</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on Aug. 4, 2003 has been entered.

Response to Arguments

2. Applicant's arguments filed Aug. 4, 2003 have been fully considered but they are not persuasive.

In re pages 4-5, applicants state, with respect to double patenting rejection, that applicants will address the provisional obviousness-type double patenting rejections once the pending rejections to the claims are resolved.

In response, since terminal disclaimer was not received, claims are again provisionally rejected under judicially created doctrine of obviousness-type double patenting.

Double Patenting

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

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A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Claims 4-5, 7-10, 15-23, 28, 31-38 and 40-45 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-2, 15-17, 20-21, 24-25, 27, and 45 of copending Application No. 09/337,253 as set forth in paragraph #4 of the last Office Action. Although the conflicting claims are not identical, they are not patentably distinct from each other because

Regarding claim 4 of this application, claim 1 of copending Application No. 09/337,253 recites a rewritable recording medium to store content, comprising formatted information for the content and manufacturer information to support a manufacturer's specific function, wherein the manufacturer information comprises an identification code of a manufacturer of a recording apparatus that recorded or modified the content of the recording medium different from the identification information prior to the recording or the modification. It would have been obvious to one of ordinary skill in the art at the time of the invention to use the recording apparatus of claim 4 of this application to record the information on the recording medium of claim 1 of copending Application No. 09/337,253.

Regarding claim 5 of this application, claim 2 of copending Application No. 09/337,253 recites the claimed wherein the manufacturer information further comprises

an identification information of a product that modified the content of the recording medium.

Regarding claim 7, claim 1 of copending Application No. 09/337,253 recites a rewritable recording medium to store content, comprising formatted information for the content and manufacturer information to support a manufacturer's specific function, wherein the manufacturer information comprises an identification information of a manufacturer of a recording apparatus that recorded or modified the content of the recording medium different from the identification information prior to the recording or the modification. It is noted that claim 7 of this application is broader than claim 1 of copending Application No. 09/337,253 and therefore obviousness-type double patenting rejection is applied.

Regarding claim 8 of this application, claim 1 of copending Application No. 09/337,253 recites a rewritable recording medium to store content, comprising formatted information for the content and manufacturer information to support a manufacturer's specific function, wherein the manufacturer information comprises an identification information of a manufacturer of a recording apparatus that recorded or modified the content of the recording medium different from the identification information prior to the recording or the modification. It would have been obvious to one of ordinary skill in the art at the time of the invention to use the reproducing apparatus of claim 8 of this application to reproduce the information on the recording medium of claim 1 of copending Application No. 09/337,253.

Regarding claim 9 of this application, claim 15 of copending Application No. 09/337,253 recites the claimed wherein the manufacturer information further comprises a product identification code of a product that modified the content of the recording medium.

Claim 10 of this application is rejected for the same reasons as discussed in claim 8 of this application above.

Regarding claim 15 of this application, claim 1 of copending Application No. 09/337,253 recites all the features of the instant claimed invention except for providing a coder to compression-code an A/V signal according to a predetermined compression scheme; a signal processor to modulate the compression-coded A/V signal; a radio frequency amplifier to convert the modulated signal into a radio frequency signal; an optical pickup to record the radio frequency signal as the manufacturer identification information on the recording medium; a servo unit to control servo of the optical pickup based upon read signals from the radio frequency amplifier; and a system controller to control the coder, the signal processor, the optical pickup, and the servo unit.

The capability of recording the compressing A/V signal by using a coder to compression-code an A/V signal according to a predetermined compression scheme; a signal processor to modulate the compression-coded A/V signal; a radio frequency amplifier to convert the modulated signal into a radio frequency signal; an optical pickup to record the radio frequency signal as the manufacturer identification code on the recording medium; a servo unit to control servo of the optical pickup based upon read signals from the radio frequency amplifier; and a system controller to control the coder,

the signal processor, the optical pickup, and the servo unit is old and well known in the art and therefore Official Notice is taken.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the well known recording the compressed A/V signal into claim 1 of copending Application No. 09/337,253 in order to increase the storage capacity of the recording medium by compressing the A/V signal and to decrease the time in access the desired video signal recorded in the optical recording medium because optical recorder has random access capability and there is no physical contact between the optical recording head and the optical recording medium.

Regarding claim 16 of this application, claim 15 of copending Application No. 09/337,253 recites the claimed wherein the device records a product information code indicating a product model of the recording apparatus that modified the content of the recording medium on the recording medium.

Regarding claim 17 of this application, claim 16 of copending Application No. 09/337,253 recites the claimed wherein the device records an operation code indicating information on an operation performed by the recording apparatus other than reproduction on the content on the recording medium.

Regarding claim 18 of this application, claim 17 of copending Application No. 09/337,253 recites the claimed wherein the operation code information is compatible for a plurality of different manufacturers.

Regarding claim 19 of this application, claim 20 of copending Application No. 09/337,253 recites the claimed wherein the device records a manufacturer information

item specific to the manufacturer, and a manufacturer code to indicate the manufacturer of the manufacturer information item.

Regarding claim 20 of this application, claim 21 of copending Application No. 09/337,253 recites the claimed wherein the device records a manufacturer information item specific to the manufacturer, a manufacturer code to indicate the manufacturer of the recording apparatus of the manufacturer information item, and a product code to indicate a product model of the recording apparatus of the manufacturer information item.

Regarding claim 21 of this application, claim 24 of copending Application No. 09/337,253 recites the claimed wherein the device records time information indicating a time when the manufacturer information item is recorded on the recording medium.

Regarding claim 22 of this application, claim 25 of copending Application No. 09/337,253 recites the claimed wherein the device records the manufacturer codes and the product codes at a beginning part of the manufacturer information item.

Regarding claim 23 of this application, claim 27 of copending Application No. 09/337,253 recites the claimed wherein the device records a search pointer indicating a starting address of the manufacturer information item.

Claim 28 of this application is rejected for the same reasons as discussed in claims 4 and 8 of this application above.

Claim 31 of this application is rejected for the same reasons as discussed in claims 4 and 15 of this application above.

Claim 32 of this application is rejected for the same reasons as discussed in claim 15 of this application above.

Claim 33 of this application is rejected for the same reasons as discussed in claims 15-16 of this application above.

Claim 34 of this application is rejected for the same reasons as discussed in claims 15 and 17 of this application above.

Claim 35 of this application is rejected for the same reasons as discussed in claims 16 and 20 of this application above.

Claim 36 of this application is rejected for the same reasons as discussed in claims 16 and 20 of this application above.

Claim 37 of this application is rejected for the same reasons as discussed in claims 16 and 21 of this application above.

Claim 38 of this application is rejected for the same reasons as discussed in claims 16 and 23 of this application above.

Regarding claim 40 of this application, claim 45 of copending Application No. 09/337,253 recited the claimed the identification information of the manufacturer corresponds to the manufacturer of the recording apparatus that last modified the content of the recording medium.

Regarding claim 41 of this application, claim 45 of copending Application No. 09/337,253 recited the claimed the identification information of the manufacturer corresponds to the manufacturer of the recording apparatus that last modified the content of the recording medium.

Regarding claim 42 of this application, claim 45 of copending Application No. 09/337,253 recited the claimed the identification information of the manufacturer corresponds to the manufacturer of the recording apparatus that last modified the content of the recording medium.

Regarding claim 43 of this application, claim 45 of copending Application No. 09/337,253 recited the claimed the identification information of the manufacturer corresponds to the manufacturer of the recording apparatus that last modified the content of the recording medium.

Regarding claim 44 of this application, claim 45 of copending Application No. 09/337,253 recited the claimed the identification information of the manufacturer corresponds to the manufacturer of the recording apparatus that last modified the content of the recording medium.

Regarding claim 45 of this application, claim 45 of copending Application No. 09/337,253 recited the claimed the identification information of the manufacturer corresponds to the manufacturer of the recording apparatus that last modified the content of the recording medium.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

5. Claims 6, 24-27, 29-30 and 39 provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-2, 15-17, 20-21, 24-25 and 27 of copending Application No. 09/337,253 in view of Buchanan ('355) as set forth in paragraph #5 of the last Office Action.

Regarding claim 6 of this application, claim 1 of copending Application No. 09/337,253 discloses all the features of the instant invention except for providing that the manufacturer information has a maximum number of manufacturer information items, and if the number of manufacturer information items exceeds the maximum number of manufacturer information items, then the recording controller deletes an oldest one of the manufacturer information items.

Buchanan teaches a synchronization of server database with client database using distribution tables having maximum number of items and if the number of items exceeds the maximum number of items, then the recording controller deletes an oldest one of the items (column 11, lines 50-67).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the capability of adding and deleting the distribution tables as taught by Buchanan into claim 1 of copending Application No. 09/337,253 in order to facilitate the managing the information recorded in the recording medium.

Regarding claim 24 of this application, Buchanan also discloses the claimed wherein the device updates a number of total manufactures information items recorded on the recording medium (column 11, lines 50-67).

Regarding claim 25 of this application, Buchanan discloses the claimed wherein the recording apparatus determines whether the number exceeds a predetermined limit, and if so, deletes an oldest manufacturer information item stored on the recording medium (column 11, lines 50-67).

Regarding claim 26 of this application, Buchanan discloses the claimed wherein the device records a last address of manufacturer information (column 8).

Claim 27 of this application is rejected for the same reasons as discussed in claim 26 of this application.

Regarding claim 29 of this application, Buchanan also discloses the claimed wherein if the reproducer determines that the read manufacturer identification information does not match that of the recording and reproducing apparatus, the reproducer reads the content of the recording medium to determine whether the content is effective (column 10, lines 17-38)

Regarding claim 30 of this application, Buchanan discloses the claimed wherein the recorder updates only the manufacturer information item and does not update other manufacturer information items already recorded on the recording medium (column 11, lines 50-67).

Claim 39 of this application is rejected for the same reasons as discussed in claim 29 of this application.

This is a provisional obviousness-type double patenting rejection.

6. Claims 4-10 and 15-45 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 11-38 of copending Application No. 09/610,696[✓] as set forth in paragraph #6 of the last Office Action. Although the conflicting claims are not identical, they are not patentably distinct from each other because

Regarding claim 4 of this application, claim 11 or claim 15 of copending Application No. 09/610,696 recites a method for recording and/or editing content on a rewritable recording medium, comprising recording an identification information of a manufacturer of a recording apparatus that recorded or modified the content of the recording medium different from the identification information prior to the recording or the modification. It would have been obvious to one of ordinary skill in the art at the time of the invention to recognize that the recording apparatus of claim 4 of this application to record the information on the recording medium can be performed by the method of claim 11 or claim 15 of copending Application No. 09/610,696.

Regarding claim 5 of this application, claim 12 of copending Application No. 09/610,696 recites the claimed wherein the manufacturer information further comprises an identification code of a product that modified the content of the recording medium.

Regarding claim 6 of this application, claim 25 of copending Application No. 09/610,696 recites the claimed wherein the manufacturer information has a maximum number of manufacturer information items, and if the number of manufacturer information items exceeds the maximum number of manufacturer information items, then the recording controller deletes an oldest one of the manufacturer information items.

Regarding claim 7 of this application, claim 11 or claim 15 of copending Application No. 09/610,696 recites a method for recording and/or editing content on a rewritable recording medium, comprising recording an identification information of a manufacturer of a recording apparatus that recorded or modified the content of the

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recording medium different from the identification information prior to the recording and the modification. It would have been obvious to one of ordinary skill in the art at the time of the invention to recognize that the recording medium of claim 7 of this application can be created by the method of claim 11 or claim 15 of copending Application No. 09/610,696.

Regarding claim 8 of this application, claim 13 of copending Application No. 09/610,696 recites a method for recording/reproducing content on a rewritable recording medium with a recording/reproducing apparatus using manufacturer information recorded on the recording medium, comprising verifying a coincidence of an identification information of a manufacturer which recorded or modified the content of the recording medium and the manufacturer identification information of the recording/reproducing apparatus to determine whether manufacturer specific information of the recording/reproducing apparatus is effective, wherein the identification information of the manufacturer is different from the identification information prior to the recording or the modification. It would have been obvious to one of ordinary skill in the art at the time of the invention to recognize that the reproducing apparatus of claim 8 of this application to reproducing the information on the recording medium can be performed by the method of claim 13 of copending Application No. 09/610,696.

Regarding claim 9 of this application, claim 14 of copending Application No. 09/610,696 recites the claimed wherein the manufacturer information further comprises

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a product identification code of a product that modified the content of the recording medium.

Claim 10 of this application is rejected for the same reasons as discussed in claim 8 of this application above.

Regarding claim 15 of this application, claim 11 or claim 15 of copending Application No. 09/610,696 recites all the features of the instant claimed invention except for providing a coder to compression-code an A/V signal according to a predetermined compression scheme; a signal processor to modulate the compression-coded A/V signal; a radio frequency amplifier to convert the modulated signal into a radio frequency signal; an optical pickup to record the radio frequency signal as the manufacturer identification information on the recording medium; a servo unit to control servo of the optical pickup based upon read signals from the radio frequency amplifier; and a system controller to control the coder, the signal processor, the optical pickup, and the servo unit.

The capability of recording the compressing A/V signal by using a coder to compression-code an A/V signal according to a predetermined compression scheme; a signal processor to modulate the compression-coded A/V signal; a radio frequency amplifier to convert the modulated signal into a radio frequency signal; an optical pickup to record the radio frequency signal as the manufacturer identification code on the recording medium; a servo unit to control servo of the optical pickup based upon read signals from the radio frequency amplifier; and a system controller to control the coder,

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the signal processor, the optical pickup, and the servo unit is old and well known in the art and therefore Official Notice is taken.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the well known recording the compressed A/V signal into claim 11 or claim 15 of copending Application No. 09/610,696 in order to increase the storage capacity of the recording medium of claim 11 or claim 15 of copending Application No. 09/610,696 by compressing the A/V signal and to decrease the time in access the desired video signal recorded in the optical recording medium because optical recorder has random access capability and there is no physical contact between the optical recording head and the optical recording medium.

Regarding claim 16 of this application, claim 16 of copending Application No. 09/610,696 recites the claimed wherein the device records a product information code indicating a product model of the recording apparatus that modified the content of the recording medium on the recording medium.

Regarding claim 17 of this application, claim 17 of copending Application No. 09/610,696 recites the claimed wherein the device records an operation code indicating information on an operation performed by the recording apparatus other than reproduction on the content on the recording medium.

Regarding claim 18 of this application, claim 18 of copending Application No. 09/610,696 recites the claimed wherein the operation code information is compatible for a plurality of different manufacturers.

Regarding claim 19 of this application, claim 19 of copending Application No. 09/610,696 recites the claimed wherein the device records a manufacturer information item specific to the manufacturer, and a manufacturer code to indicate the manufacturer of the manufacturer information item.

Regarding claim 20 of this application, claim 20 of copending Application No. 09/610,696 recites the claimed wherein the device records a manufacturer information item specific to the manufacturer, a manufacturer code to indicate the manufacturer of the recording apparatus of the manufacturer information item, and a product code to indicate a product model of the recording apparatus of the manufacturer information item.

Regarding claim 21 of this application, claim 21 of copending Application No. 09/610,696 recites the claimed wherein the device records time information indicating a time when the manufacturer information item is recorded on the recording medium.

Regarding claim 22 of this application, claim 22 of copending Application No. 09/610,696 recites the claimed wherein the device records the manufacturer codes and the product codes at a beginning part of the manufacturer information item.

Regarding claim 23 of this application, claim 23 of copending Application No. 09/610,696 recites the claimed wherein the device records a search pointer indicating a starting address of the manufacturer information item.

Regarding claim 24 of this application, claim 24 of copending Application No. 09/610,696 recites the claimed wherein the device updates a number of total manufacturer information items recorded on the recording medium.

Regarding claim 25 of this application, claim 25 of copending Application No. 09/610,696 recites the claimed wherein the recording apparatus determines whether the number exceeds a predetermined limit, and if so, deletes an oldest manufacturer information item stored on the recording medium.

Regarding claim 26 of this application, claim 26 of copending Application No. 09/610,696 recites the claimed wherein the device records a last address of manufacturer information which includes the manufacturer identification information and the product information code.

Regarding claim 27 of this application, claim 27 of copending Application No. 09/610,696 recites the claimed wherein the device records an last address of manufacturer information which includes the manufacturer identification code, the product code, and the operation code.

Regarding claim 28 of this application, claim 28 of copending Application No. 09/610,696 recites the corresponding method and it would have been obvious to one of ordinary skill in the art at the time of the invention to recognize that the apparatus of claim 28 of this application can be performed by the method of claim 28 of copending Application No. 09/610,696.

Regarding claim 29 of this application, claim 29 of copending Application No. 09/610,696 recites the claimed wherein if the reproducer determines that the read manufacturer identification information does not match that of the recording and reproducing apparatus, the reproducer reads the content of the recording medium to determine whether the content is effective.

Regarding claim 30 of this application, claim 30 of copending Application No. 09/610,696 recites the claimed wherein the manufacturer information further comprises a manufacturer information item specific for the manufacturer of the recording apparatus, wherein the recorder updates only the manufacturer information item and does not update other manufacturer information items already recorded on the recording medium.

Regarding claim 31 of this application, claim 31 of copending Application No. 09/610,696 recites the corresponding method and it would have been obvious to one of ordinary skill in the art at the time of the invention to recognize that the apparatus of claim 31 of this application can be performed by the method of claim 31 of copending Application No. 09/610,696.

Claim 32 of this application is rejected for the same reasons as discussed in claim 15 of this application above.

Regarding claim 33 of this application, claim 32 of copending Application No. 09/610,696 recites the claimed wherein the recording medium has a product information code indicating a product model of the apparatus that modified the content of the recording medium on the recording medium, reading the product mode, and the reproducer determines whether to read the content based upon the read product model.

Regarding claim 34 of this application, claim 33 of copending Application No. 09/610,696 recites wherein the recording medium has an operation code indicating information on an operation performed by the recording apparatus that modified the

content of the recording medium, reading the operation code and the reproducer determines how to modify the content based upon the read operation code.

Regarding claim 35 of this application, claim 34 of copending Application No. 09/610,696 recites wherein the recording medium has a manufacturer information item specific to the manufacturer, and a manufacturer code to indicate the manufacturer of the manufacturer information item, reading the manufacturer code and the reproducer determines whether to read the manufacturer information item if the manufacturer code matches a code relating to the manufacturer of the reproducing apparatus.

Regarding claim 36 of this application, claim 35 of copending Application No. 09/610,696 recites wherein the recording medium has a manufacturer information item specific to the manufacturer, a manufacturer code to indicate the manufacturer of the recording apparatus of the manufacturer information item, and a product code to indicate a product model of the recording apparatus of the manufacturer information item, reading the manufacturer code and the product code, and the reproducer determines whether to read the manufacturer information item if the manufacturer code matches a code relating to the manufacturer of the reproducing apparatus and the product code matches a code relating to the product model of the reproducing apparatus.

Regarding claim 37 of this application, claim 36 of copending Application No. 09/610,696 recites the claimed wherein the recording medium has time information indicating a time when the manufacturer information item is recorded on the recording

medium, reading the time information and the reproducer processes the read time information.

Regarding claim 38 of this application, claim 37 of copending Application No. 09/610,696 recites the claimed wherein the recording medium has a search pointer indicating a starting address of the manufacturer information item, reading the search pointer and then reads the manufacturer information item at the starting address thereof.

Regarding claim 39 of this application, claim 38 of copending Application No. 09/610,696 recites the claimed wherein the reproducer determines whether the read manufacturer identification information matches a code of a current reproducing apparatus relating to a manufacturer of the current reproducing apparatus, reading the content if there is a match for reproducing apparatus, reading the content if there is not match for analyzing the content, and reproducing the content if there is the match or if the analysis indicates the content is reproducible by the current reproducing apparatus.

Regarding claim 40 of this application, claim 39 or claim 41 recites the claimed wherein the identification information of the manufacturer corresponds to the manufacturer of the recording apparatus that last modified the content of the recording medium.

Regarding claim 41 of this application, claim 39 or claim 41 recites the claimed wherein the identification information of the manufacturer corresponds to the manufacturer of the recording apparatus that last modified the content of the recording medium.

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Regarding claim 42 of this application, claim 40 recites the claimed wherein the identification information of the manufacturer corresponds to the manufacturer of the recording apparatus that last modified the content of the recording medium.

Regarding claim 43 of this application, claim 40 recites the claimed wherein the identification information of the manufacturer corresponds to the manufacturer of the recording apparatus that last modified the content of the recording medium.

Regarding claim 44 of this application, claim 42 recites the claimed wherein the identification information of the manufacturer corresponds to the manufacturer of the recording apparatus that last modified the content of the recording medium.

Regarding claim 45 of this application, claim 43 recites the claimed wherein the identification information of the manufacturer corresponds to the manufacturer of the recording apparatus that last modified the content of the recording medium.

Response to Arguments

7. Applicant's arguments with respect to claims 4-10 and 15-46 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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9. Claims 4-5, 7-10, 15-24, 26-27, 30-32, 40-43, and 45 are rejected under 35 U.S.C. 102(e) as being anticipated by Aramaki et al (EP 0 833 337 A2 submitted by applicants).

Regarding claim 4, Aramaki et al discloses a recording and/or reproducing apparatus (Fig. 3) for recording and/or editing content on a recording medium, comprising:

a recording controller (col. 16, lines 47-55) to record manufacturer information to support a manufacturer's specific function, wherein the manufacturer information comprises an identification information of the manufacturer of a recording apparatus that recorded or modified the content of the recording medium different from the identification information prior to the recording or the modification (col. 16, lines 47-55 and col. 31, lines 7-25).

Regarding claim 5, Aramaki et al also discloses the claimed wherein the manufacturer information further comprises an identification information of a product that modified the content of the recording medium (col. 16, lines 47-55).

Regarding claim 7, Aramaki et al discloses a recording apparatus (Fig. 3) to record content on a recording medium, comprising:

a device (col. 16, lines 47-55 and col. 31, lines 7-25) to record a manufacturer identification information of the recording apparatus on the recording medium in response to the recording apparatus modifying the content, wherein the manufacturer information comprises an identification information of the manufacturer of the recording

apparatus that recorded or modified the content of the recording medium different from the identification information prior to the recording or the modification.

Regarding claim 8, Aramaki et al discloses a reproducing apparatus (Fig. 3) for reproducing content, including audio, video, and/or information data, from a rewritable recording medium, comprising:

a reproducing controller (system controller 11 of Fig. 3, col. 9, lines 38-46 and col. 16, lines 47-55) to reproduce the content, formatted information for the content and manufacturer information to support a manufacturer's specific function,

wherein the manufacturer information comprises an identification information of the manufacturer or a recording apparatus that recorded or modified the content of the recording medium different from the identification information prior to the recording or the modification (col. 16, lines 47-55 and col. 31, lines 7-25).

Regarding claim 9, Aramaki et al discloses the claimed wherein the manufacturer information further comprises a product identification information of the recording apparatus that modified the content of the recording medium (col. 16, lines 47-55).

Regarding claim 10, Aramaki et al discloses a reproducing apparatus (Fig. 3) to reproduce content and information on a recording medium, comprising:

a device (col. 16, lines 47-55 and col. 31, lines 7-25) to check an identification information of a manufacturer and an identification information in the information recorded on the recording medium to determine a manufacturer that recorded or modified the content on the recording medium different from the identification information prior to the recording or the modification.

Regarding claim 15, Aramaki et al discloses the claimed wherein the device comprises:

a coder (col. 10, lines 34-39) to compression-code an A/V signal according to a predetermined compression scheme;

a signal processor (col. 10, lines 43-50) to modulate the compression-coded A/V signal;

a radio frequency amplifier (col. 9, lines 25-32) to convert the modulated signal into a radio frequency signal;

an optical pickup (col. 10, lines 51-58) to record the radio frequency signal as the manufacturer identification information on the recording medium;

a servo unit (col. 9, lines 33-37) to control servo of the optical pickup based upon read signals from the radio frequency amplifier; and

a system controller (system controller 11 of Fig. 3, col. 9, lines 38-46) to control the coder, the signal processor, the optical pickup, and the servo unit.

Regarding claim 16, Aramaki et al discloses the claimed wherein the device records a product information code indicating a product model of the recording apparatus that modified the content of the recording medium on the recording medium (col. 16, lines 47-55).

Regarding claim 17, Aramaki et al discloses the claimed wherein the device records an operation code indicating information on an operation performed by the recording apparatus other than reproduction on the content on the recording medium (col. 16, lines 47-55).

Regarding claim 18, Aramaki et al discloses the claimed wherein the operation code information is compatible for a plurality of different manufacturers (col. 16, lines 47-55).

Regarding claim 19, Aramaki et al discloses the claimed wherein the device records a manufacturer information item specific to the manufacturer, and a manufacturer code to indicate the manufacturer of the manufacturer information item (col. 16, lines 47-55).

Regarding claim 20, Aramaki et al discloses the claimed wherein the device records a manufacturer information item specific to the manufacturer, a manufacturer code to indicate the manufacturer of the recording apparatus of the manufacturer information item, and a product code to indicate a product model of the recording apparatus of the manufacturer information item (col. 16, lines 47-55).

Regarding claim 21, Aramaki et al discloses the claimed wherein the device records time information indicating a time when the manufacturer information item is recorded on the recording medium (col. 16, lines 47-55).

Regarding claim 22, Aramaki et al discloses the claimed wherein the device records the manufacturer codes and the product codes at a beginning part of the manufacturer information item (col. 16, lines 47-55).

Regarding claim 23, Aramaki et al discloses the claimed wherein the device records a search pointer indicating a starting address of the manufacturer information item (col. 16, lines 47-55).

Regarding claim 24, Aramaki et al discloses the claimed wherein the device updates a number of total manufacturer information items recorded on the recording medium (col. 16, lines 47-55).

Regarding claim 26, Aramaki et al discloses the claimed wherein the device records a last address of manufacturer information which includes the manufacturer identification information and the product information code (col. 16, lines 47-55).

Regarding claim 27, Aramaki et al discloses the claimed wherein the device records a last address of manufacturer information which includes the manufacturer identification information, the product code, and the operation code (col. 16, lines 47-55).

Regarding claim 30, Aramaki et al discloses the claimed wherein the manufacturer information further comprises a manufacturer information item specific for the manufacturer of the recording apparatus (col. 16, lines 47-55), wherein the recorder updates only the manufacturer information item and does not update other manufacturer information items already recorded on the recording medium (col. 16, lines 47-55 and col. 31, lines 7-25).

Regarding claim 31, Aramaki et al discloses a reproducing apparatus (Fig. 3) to reproduce content from a recording medium on which a manufacturer identification information of a manufacturer of an apparatus that modified the content of the recording medium, the reproducing apparatus comprising:

an optical pickup (col. 9, lines 25-32, col. 16, lines 47-55, and col. 31, lines 7-25)
to read the manufacturer identification information; and

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a processor (col. 9, lines 25-32, col. 16, lines 47-55, and col. 31, lines 7-25) to reproduce manufacturer identification information of the apparatus that recorded or modified the content based upon the read manufacturer identification information different from the manufacturer identification information prior to the recording or the modification.

Regarding claim 32, Aramaki et al discloses the claimed wherein the processor comprises:

a radio frequency amplifier (col. 9, lines 25-32) to convert an optical signal of the read manufacturer identification information and the read content to an electrical signal and extracts a servo signal from the optical signal;

a signal processor (col. 9, lines 52-57) to perform error correction coding and demodulate the optical signal;

a decoder (col. 9, lines 52-57) to decode the error corrected demodulated signal;

a servo unit (col. 9, lines 33-37) to control servo of the optical pickup based upon the servo signal; and

a system controller (system controller 11 of Fig. 3, col. 9, lines 38-46) to control the radio frequency amplifier, the signal processor, the decoder, and the servo unit.

Regarding claim 40, Aramaki et al discloses the claimed wherein the identification information of the manufacturer corresponds to the manufacturer of the recording apparatus that last modified the content of the recording medium (col. 16, lines 47-55).

Regarding claim 41, Aramaki et al discloses the claimed wherein the identification information of the manufacturer corresponds to the manufacturer of the recording apparatus that last modified the content of the recording medium (col. 16, lines 47-55).

Regarding claim 42, Aramaki et al discloses the claimed wherein the identification information of the manufacturer corresponds to the manufacturer of the recording apparatus that last modified the content of the recording medium (col. 16, lines 47-55).

Regarding claim 43, Aramaki et al discloses the claimed wherein the identification information of the manufacturer corresponds to the manufacturer of the recording apparatus that last modified the content of the recording medium (col. 16, lines 47-55).

Regarding claim 45, Aramaki et al discloses the claimed wherein the identification information of the manufacturer corresponds to the manufacturer of the recording apparatus that last modified the content of the recording medium (col. 16, lines 47-55).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

11. Claims 6 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aramaki et al (EP 0 833 337 A2) in view of Buchanan (US 5,758,355).

Regarding claim 6, Aramaki et al discloses all the claimed limitations as discussed in claim 4 above except for providing wherein the manufacturer information has a maximum number of manufacturer information items, and if the number of manufacturer information items exceeds the maximum number of manufacturer information items, then the recording controller deletes an oldest one of the manufacturer information items.

Buchanan teaches a synchronization of server database with client database using distribution tables having maximum number of items and if the number of items exceeds the maximum number of items, then the recording controller deletes an oldest one of the items (col. 11, lines 50-67).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the capability of adding and deleting the distribution tables as

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taught by Buchanan into Aramaki et al's system in order to facilitate the managing the information recorded in the recording medium.

Claim 25 is rejected for the same reasons as discussed in claim 6 above.

12. Claims 28-29, 33-39, 44, and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aramaki et al (EP 0 833 337 A2) in view of Ohno et al (US 6,038,366).

Regarding claim 28, Aramaki et al discloses a recording and/or reproducing apparatus (Fig. 3) to record and/or reproduce content on a recording medium, comprising:

a recorder (col. 16, lines 47-55 and col. 31, lines 7-25) to record on the recording medium a manufacturer identification information of the recording and/or reproducing apparatus indicating a manufacturer of the recording and/or reproducing apparatus as the one to record or modify the content of the recording medium different from the identification information prior to the recording or the modification. However, Aramaki et al does not specifically disclose a reproducer to read the manufacturer identification information, determine whether the content is effective based upon whether the read manufacturer identification information matches that of the recording and/or reproducing apparatus, and read the content if the content is effective.

Ohno et al teaches a magnetic recording/reproducing apparatus for search programs recorded on magnetic tape having a procedure to read the manufacturer identification information, determine whether the content is effective based upon whether the read manufacturer identification information matches that of the recording

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and/or reproducing apparatus, and read the content if the content is effective (col. 6, lines 25-30) to facilitate search of programs recorded on magnetic tape, indexing of heading portion of the programs and display of teletext or closed caption and the like without essentially incurring additional manufacturing cost of the apparatus (col. 2, lines 14-20).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the capabilities of comparing the VTR manufacture number data recorded on the tape and VTR manufacture number stored in the library memory and controlling the magnetic recording/reproducing apparatus based on the comparing result as taught by Ohno et al into Aramaki et al's system in order to facilitate search of programs recorded on recording medium, indexing of heading portion of the programs and display of teletext or closed caption and the like without essentially incurring additional manufacturing cost of the apparatus.

Regarding claim 29, Ohno et al discloses the claimed wherein if the reproducer determines that the read manufacturer identification information does not match that of the recording and reproducing apparatus, the reproducer reads the content of the recording medium to determine whether the content is effective (col. 6, lines 25-30).

Regarding claim 33, Aramaki et al discloses all the claimed limitations as discussed in claim 31 above except for providing the claimed wherein the recording medium has a product information code indicating a product model of the apparatus that modified the content of the recording medium on the recording medium, the optical

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pickup reads the product model, and the processor determines whether to read the content based upon the read product model.

Ohno et al teaches a magnetic recording/reproducing apparatus for search programs recorded on magnetic tape having a procedure to read the manufacturer identification information, determine whether the content is effective based upon whether the read manufacturer identification information matches that of the recording and/or reproducing apparatus, and read the content if the content is effective (col. 6, lines 25-30) to facilitate search of programs recorded on magnetic tape, indexing of heading portion of the programs and display of teletext or closed caption and the like without essentially incurring additional manufacturing cost of the apparatus (col. 2, lines 14-20).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the capabilities of comparing the VTR manufacture number data recorded on the tape and VTR manufacture number stored in the library memory and controlling the magnetic recording/reproducing apparatus based on the comparing result as taught by Ohno et al into Aramaki et al's system in order to facilitate search of programs recorded on recording medium, indexing of heading portion of the programs and display of teletext or closed caption and the like without essentially incurring additional manufacturing cost of the apparatus.

Regarding claim 34, Ohno et al also discloses the claimed wherein the recording medium has an operation code indicating information on an operation performed by the recording apparatus that modified the content of the recording medium, the optical

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pickup reads the operation code and the processor determines how to modify the content based upon the read operation code (col. 6, lines 25-30) to facilitate search of programs recorded on magnetic tape, indexing of heading portion of the programs and display of teletext or closed caption and the like without essentially incurring additional manufacturing cost of the apparatus (col. 2, lines 14-20).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the capabilities of comparing the VTR manufacture number data recorded on the tape and VTR manufacture number stored in the library memory and controlling the magnetic recording/reproducing apparatus based on the comparing result as taught by Ohno et al into Aramaki et al's system in order to facilitate search of programs recorded on recording medium, indexing of heading portion of the programs and display of teletext or closed caption and the like without essentially incurring additional manufacturing cost of the apparatus.

Regarding claim 35, Ohno et al further discloses the claimed wherein the recording medium has a manufacturer information item specific to the manufacturer, and a manufacturer code to indicate the manufacturer of the manufacturer information item, wherein the optical pickup reads the manufacturer code and the processor determines whether to read the manufacturer information item if the manufacturer code matches a code relating to the manufacturer of the reproducing apparatus (col. 6, lines 25-30).

Regarding claim 36, Ohno et al discloses the claimed wherein the recording medium has a manufacturer information item specific to the manufacturer, a

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manufacturer code to indicate the manufacturer of the recording apparatus of the manufacturer information item, and a product code to indicate a product model of the recording apparatus of the manufacturer information item, wherein the optical pickup reads the manufacturer code and the product code, and the processor determines whether to read the manufacturer information item if the manufacturer code matches a code relating to the manufacturer of the reproducing apparatus and the product code matches a code relating to the product model of the reproducing apparatus (col. 6, lines 25-30).

Regarding claim 37, Aramaki et al also discloses the claimed wherein the recording medium has time information indicating a time when the manufacturer information item is recorded on the recording medium, the optical pickup reads the time information and the processor processes the read time information (col. 16, lines 47-55).

Regarding claim 38, Aramaki et al discloses the claimed wherein the recording medium has a search pointer indicating a starting address of the manufacturer information item, the optical pickup reads the search pointer and then reads the manufacturer information item at the starting address thereof (col. 16, lines 47-55).

Regarding claim 39, Aramaki et al discloses all the claimed limitations as discussed in claim 31 above except for providing wherein the processor determines whether the read manufacturer identification information matches a code of a current reproducing apparatus relating to a manufacturer of the current reproducing apparatus, controls the optical pickup to read the content if there is a match for reproduction of the

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content, controls the optical pickup to read the content if there is not the match for analyzing the content, and reproduces the content if there is the match or if the analysis indicates the content is reproducible by the current reproducing apparatus.

Ohno et al also teaches a magnetic recording/reproducing apparatus having processor to determine whether the read manufacturer identification information matches a code of a current reproducing apparatus relating to a manufacturer of the current reproducing apparatus, to control the optical pickup to read the content if there is a match for reproduction of the content, to control the optical pickup to read the content if there is not the match for analyzing the content, and to reproduce the content if there is the match or if the analysis indicates the content is reproducible by the current reproducing apparatus (col. 6, lines 25-30) to facilitate search of programs recorded on magnetic tape, indexing of heading portion of the programs and display of teletext or closed caption and the like without essentially incurring additional manufacturing cost of the apparatus (col. 2, lines 14-20).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the capabilities of comparing the VTR manufacture number data recorded on the tape and VTR manufacture number stored in the library memory and controlling the magnetic recording/reproducing apparatus based on the comparing result as taught by Ohno et al into Aramaki et al's system in order to facilitate search of programs recorded on recording medium, indexing of heading portion of the programs and display of teletext or closed caption and the like without essentially incurring additional manufacturing cost of the apparatus.

Regarding claim 44, Aramaki et al discloses the claimed wherein the manufacturer identification information corresponds to the manufacturer of the recording apparatus that last modified the content of the recording medium (col. 16, lines 47-55).

Regarding claim 49, Aramaki et al discloses all the claimed limitations as discussed in claimed 31 above and Aramaki et al additionally discloses the claimed that the manufacturer information item is updated by analyzing the content of the manufacturer information item corresponding to the modified content to determine whether the manufacturer information item for the manufacturer is effective to perform the recording, the modification, and/or reproduction (col. 31, lines 7-25). However, Aramaki et al does not specifically discloses the claimed wherein when the identification information of the recording apparatus which modified the recording medium is the same as an identification information for the current recording apparatus and the editing is complete.

Ohno et al also teaches a magnetic recording/reproducing apparatus having processor to determine whether the read manufacturer identification information matches a code of a current reproducing apparatus relating to a manufacturer of the current reproducing apparatus and to control the editing process of the magnetic recording/reproducing apparatus (col. 6, lines 25-30) to facilitate search of programs recorded on magnetic tape, indexing of heading portion of the programs and display of teletext or closed caption and the like without essentially incurring additional manufacturing cost of the apparatus (col. 2, lines 14-20).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the capabilities of comparing the VTR manufacture number data recorded on the tape and VTR manufacture number stored in the library memory and controlling the magnetic recording/reproducing apparatus based on the comparing result as taught by Ohno et al into Aramaki et al's system in order to facilitate search of programs recorded on recording medium, indexing of heading portion of the programs and display of teletext or closed caption and the like without essentially incurring additional manufacturing cost of the apparatus.

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The cited reference relates to an apparatus for editing video signal.

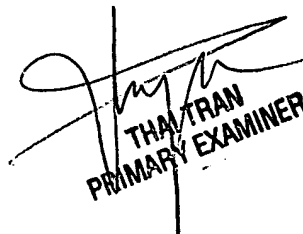
14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thai Tran whose telephone number is (703) 305-4725.

The examiner can normally be reached on Mon. to Friday, 8:00 AM to 5:30 PM.

The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

TTQ
October 18, 2003


THAI TRAN
PRIMARY EXAMINER